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JUL 15 2005

In re Application of :  
SIRNA THERAPEUTICS, INC. :  
PCT No.: PCT/US02/15876 :  
International Filing Date: 17 May 2002 :  
Priority Date: 18 May 2001 :  
Attorney's Docket No.: 02-312-PCT;600.019 :  
For: CONJUGATES AND COMPOSITIONS FOR :  
CELLULAR DELIVERY :

DECISION ON PETITION  
UNDER 37 CFR 1.10

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

### BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

### DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

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Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

### CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to 17 May 2002. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as 17 May 2002 is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.



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## PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

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PCT

NOTIFICATION OF THE INTERNATIONAL  
APPLICATION NUMBER AND OF THE  
INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing  
(day/month/year)

27 JAN 2005

Applicant's or agent's file reference

02-312-PCT;600.019

## IMPORTANT NOTIFICATION

International application No.

PCT/US02/15876

International filing date (day/month/year)

17 May 2002

Priority date (day/month/year)

18 May 2001

Applicant

SIRNA THERAPEUTICS, INC.

Title of the invention

CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:



was transmitted to the International Bureau on

20 June 2002



has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau\*:



because the necessary national security clearance has not yet been obtained.



because (reason to be specified):

\* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION

Completed by: JM



Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.



License for foreign transmittal not required. 37 CFR 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).



Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 15 June 2002

(date)



37 CFR 5.15(a)



37 CFR 5.15(b)

Name and mailing address of the receiving Office

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Form PCT/RO/105 (July 1992)